

Introduced by Senator Bowen

February 21, 2003

An act to add Section 22964 to the Business and Professions Code, relating to tobacco.

LEGISLATIVE COUNSEL'S DIGEST

SB 1016, as introduced, Bowen. Tobacco products: sales to minors.

Existing law prohibits any person, firm, or corporation that knowingly or under circumstances in which it has knowledge, or should otherwise have grounds for knowledge, from selling, giving, or in any other way furnishing any tobacco product to a person under 18 years of age, with a violation of this prohibition being subject to criminal or civil penalties.

Existing law also establishes the Stop Tobacco Access to Kids Enforcement (STAKE) Act. The STAKE Act is designed to reduce the availability of tobacco products to minors through specified sales restrictions and enforcement activities. Existing law authorizes the State Department of Health Services to assess civil penalties against any person, firm, or corporation that furnishes a tobacco product to a minor.

This bill would prohibit a public or private postal or package delivery service from knowingly delivering a package that contains a tobacco product unless a label is plainly and visibly affixed to the package that states that the package contains tobacco and is not to be delivered to any person under 18 years of age.

This bill would also impose other requirements, as specified, upon a public or private postal or package delivery service to verify that a person who receives delivery of a package containing tobacco products



is over the age of 18 years, and that applicable excise and use taxes have been paid.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 22964 is added to the Business and
2 Professions Code, to read:

3 22964. (a) No public or private postal or package delivery
4 service shall knowingly deliver a package containing a tobacco
5 product in this state unless the package is affixed with a label that
6 plainly and visibly states that the package contains tobacco and is
7 not to be delivered to any person under 18 years of age.

8 (b) A public or private postal or package delivery service that
9 knowingly accepts a tobacco product for direct delivery to the
10 purchaser shall comply with all of the following requirements
11 before completing delivery of the package:

12 (1) Require the signature of the purchaser upon delivery.

13 (2) Inspect a valid form of official identification, as described
14 in subdivision (c), to verify that the purchaser is over 18 years of
15 age and that the delivery address on the package matches the
16 address on the identification provided by the purchaser.

17 (3) Submit a copy of a valid invoice, as described in
18 subdivision (c), for each package containing a tobacco product to
19 ensure that appropriate excise and use taxes, pursuant to
20 requirements contained in Part 13 (commencing with Section
21 30001) of Division 1 of the Revenue and Taxation Code have been
22 collected.

23 (c) For the purposes of this section, the following definitions
24 apply:

25 (1) “Official identification” means a valid California’s
26 driver’s license, passport, state-issued identification, United
27 States Military identification, or an immigration card.

28 (2) “A valid invoice” means an invoice from a manufacturer,
29 seller, or distributor that includes the name and address of the
30 purchaser, the brand name of the tobacco product, and the type and
31 quantity of tobacco purchased.

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